



Caregiver Background Checks

March 2011





Department of Justice (DOJ) Crime Information Bureau (CIB)

- 1971 the FBI mandated all states to have fingerprint databases
- Adult Criminal History is Public Records Law 19.35(1) for all individuals except juveniles
- 1.3 M individuals are in the Wisconsin DOJ database



Types of Caregiver Background Checks

Conducted by the DCF - Caregiver Background (CBC) Unit:

- Electronic
- Licensees
- Household members
- Minors over 12 in special circumstances
- Fingerprints for Out of State - FBI (most accurate)

Licensee Initiates CBC for employees & volunteers counted in ratios:

- Electronic via DOJ website
- Paper via DOJ forms

Crime Information Bureau (CIB)

- Conducts 650,000 caregiver background checks a year*

* As of March 2011



How to Obtain a Background Check

<http://wi-recordcheck.org>

Minimum Information needed:

- First name
- Last name
- Date Of Birth

Additional Information for more accurate check:

- Middle Name
- Sex
- Race
- Social Security Number

Manual intervention by DOJ, if an exact determination cannot be made.



Examples of Maiden/Complex Names

- Remove hyphen
- Put names together
- Submit each last name as an alias
- Do not use titles i.e. jr. II, Sr. Ms. Mr.

*	Mary Smith-Jones	incorrect
*	Mary SmithJones	yes
*	Mary Smith	yes
*	Mary Jones	yes



Out of State Checks

- Contact list for other states:
<http://www.doj.state.wi.us/dles/cib/sclist.asp>
- Open vs. Closed States

FBI Checks

Caregiver Background Unit:

- Volunteers for Children Act
- Fingerprint based child care cost \$37.25
(\$34.25 + \$3.00 for the IBIS) *
- FBI Database includes:
 - Data from all 50 states, including the closed states.
 - All felonies and serious misdemeanors
 - Cases handled in Federal Court

* IBIS = Integrated Background Information System (Letter that accompanies the DOJ report)



How Does Someone Get a DOJ Crime Record From the Crime Information Bureau (CIB)

- DOJ receives arrest info from law enforcement when person is booked and fingerprinted
- Arresting agency sends identifying info along with fingerprints to DOJ
- Municipal and Circuit Courts
- Fingerprint info is searched in DOJ database to see if prior records exist; if a match, a new cycle is created



Disposition

- The courts send the disposition data to DOJ.
- If disposition is not listed on the DOJ Rap Sheet, contact the clerk of courts for further information on the outcome.



Juvenile Records

- DOJ only includes 'serious crimes' for juveniles adjudicated prior to January 31, 2010.
- As of February 1, 2010, the same adult barred crime list is used for reporting juvenile adjudications.
- If a minor was prosecuted in adult court, the record is public.
- Child care regulators have access to juvenile data through DOJ.



Rap Sheet

- Wisconsin began using a nationally standardized Rap Sheet in late 2009.
- Wisconsin is one of the few states that includes all offenses including ordinance violations, & other non-criminal offenses on the Rap Sheet.

**Department of Regulation & Licensing
Online Credential**

<http://online.drl.wi.gov/LicenseLookup/IndividualCredentialSearch.aspx>





Criminal Offenses Required to be Disclosed on BID

- Felony convictions
- Misdemeanor convictions

Items NOT Required To Be Disclosed on the BID:

- Municipal violations
- Ordinance violations (ordinary)
- Traffic violations
- Dismissed charges
- No Prosecution
- Acquitted charges
- Found Not Guilty by a jury
- Completed Deferred Prosecution Agreements



Other Items Not Required to Be Disclosed on BID

Although not required to be disclosed on the BID, regulating agencies should request more information about these cases to assist in decision making.

- Expunged Charges*
- Completed 1st Offender Program

* When court records are expunged, the DOJ record is not removed, because the conviction exists. If the record has been expunged at the circuit court level, this information is on the DOJ rap sheet. The Rap Sheet may say “special disposition 973.015” or “court record expunged under ss 973.015.”

Example of Expunged Record

COURT ACTION:

LITERAL: Convicted

DISPOSITION DATE: November 13, 1990

DISPOSITION: CONVICTED

SENTENCING

DATE: November 13, 1990

CASE NUMBER: 90CF292

CONVICTED OFFENSE:

CHARGE SEQUENCE NUMBER: 01

SENTENCE:

Sentence: Probation

Sentence Begin Date: 1990-11-13

Sentence Length: 1 year

SUPERVISION

SUBJECT NAME: [REDACTED]

DATE: November 13, 1990

SUPERVISION AGENCY: WI0340000 LANGLADE COUNTY SHERIFF

LOCAL IDENTIFICATION NUMBER: 216492

COMMENTS: SPECIAL DISPOSITION WAS COMPLETED

SUPERVISION ACTION

ACTION LITERAL: Sentence Progress; Charge 1:SPECIAL DISPOSITION 973.015 SUCCESSFULLY COMPLETED



Removing Records From DOJ

The following DOJ website provides information about removing criminal history records:

http://www.doj.state.wi.us/dles/cib/forms/brochures/remove_arrest.pdf



Deferred Prosecution

- The case is held open for a specified length of time. If the person completes the conditions of the Court, the case is dismissed.
- Regulating agencies should request more information about these cases to help guide in decision making.



No Criminal Charge

- If the Rap Sheet lists the SEVERITY as 'Other' AND the disposition was a fine; the case was not a criminal offense.
- If the Rap Sheet lists the SEVERITY as 'Unknown,' no conclusion can be made and further investigation is needed.

For More information:

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